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**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA**

ROHNERT PARK CITIZENS TO
ENFORCE CEQA, and DOES 1 through 5,
inclusive,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION, UNITED STATES
DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
and DOES 6 through 10, inclusive,

Defendants.

CASE NUMBER C074607 THE

**WAIVER OF SERVICE OF
SUMMONS**

_____ /

1
2 TO: Rose M. Zoia, counsel for plaintiff

3 I acknowledge receipt of your request that I waive service of a summons in
4 the action of *Rohnert Park Citizens to Enforce CEQA v. California Department of*
5 *Transportation, et al.*, which is case number C074607THE in the United States
6 District Court for the Northern District of California. I have also received a copy of
the complaint in the action, two copies of this instrument, and a means by which I
can return the signed waiver to you without cost to me.

7 I agree to save the cost of service of a summons and an additional copy of
8 the complaint in this lawsuit by not requiring that I or the California Department of
Transportation be served with judicial process in the manner provided by Rule 4.

9
10 I and the California Department of Transportation will retain all defenses or
11 objections to the lawsuit or to the jurisdiction or venue of the court except for
objections based on a defect in the summons or in the service of the summons.

12 I understand that a judgment may be entered against me or the California
13 Department of Transportation if an answer or motion under Rule 12 is not served
upon you within 60 days after November 14, 2007.

14 Date: November 14, 2007

15 _____/s/_____
16 Janet Wong as authorized on 11/14/07
17 Deputy Attorney
California Department of Transportation

18
19 Duty to Avoid Unnecessary Costs of Service of Summons

20 Rule 4 of the Federal Rules of Civil Procedure requires certain parties to
21 cooperate in saving unnecessary costs of service of the summons and complaint.
22 A defendant located in the United States who, after being notified of an action and
23 asked by a plaintiff located in the United States to waive service of a summons,
fails to do so will be required to bear the cost of such service unless good cause
be shown for its failure to sign and return the waiver.

24 It is not good cause for a failure to waive service that a party believes that
25 the complaint is unfounded, or that the action has been brought in an improper
26 place or in a court that lacks jurisdiction over the subject matter of the action or
over its person or property. A party who waives service of the summons retains all
27 defenses and objections (except any relating to the summons or to the service of
28 the summons), and may later object to the jurisdiction of the court or to the place
where the action has been brought.

1 A defendant who waives service must within the time specified on the
2 waiver form serve on the plaintiff's attorney a response to the complaint and must
3 also file a signed copy of the response with the court. If the answer or motion is
4 not served within this time, a default judgment may be taken against that
5 defendant. By waiving service, a defendant is allowed more time to answer than if
6 the summons had been actually served when the request for waiver of service
7 was received.
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